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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,573	11/03/2000	Herman Rodriguez	AUS9-2000-0484-US1	2332

7590 02/04/2004

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)	
	09/704,573	RODRIGUEZ ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3629	NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-9,11-13,18-20 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9,11-13,18-20 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 27-29, 32-33 and 36-37 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 27-29, 32-33 and 36-37** are confusing, because the following term is not clear: "sending the travel plan message from the travel agent computer system to the email system prior to the email system's reception of the travel plan message".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-8, 11-13, 18-20, 25-29, 31-33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharood et al. (US 6,453,687) in view of Weinstein et al. (US 6,650,635) and further in view of Nelson (US 6,496,568).**

Sharood et al. teach a method and system for remote controlling a home automation system over the Internet, comprising:

**As per claims 6, 11, 18 and 38,**

a control server (100), a plurality of computer systems (190) for providing access to the control server (100) and controlling said automation system, a storage means, a home automation control tool, wherein said automation system can be controlled remotely via the Internet (suggesting email communications), and wherein said home automation control tool provides a plurality of modes including a vacation mode (column 3, lines 58 – column 4, line 60).

Sharood et al. do not specifically teach registering said home automation system with an email computer system, and scheduling travel plans using a travel agent computer system.

Weinstein et al. teach a method and system for remote connecting to and controlling a home automation system over a telephone network. The system includes host logic for receiving and interpreting commands from a remote user (column 38, lines 56-63). The connecting method includes verification step that the target system is in the address book, which implies prior registering step. If target is verified, a network address is retrieved from the memory, and a connection with a network and the target system is established (column 9, lines 35-45).

Nelson teaches a method and system for operating a customer message manager for automated notification of a customer, wherein a subscriber is notified via email about details and changes of his travel plans (column 1, line 35 – column 2, line 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sharood et al. to include registering said home

automation system, because it would allow to provide this service on a subscription base thereby generate revenue.

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Sharood et al. and Weinstein et al. to include scheduling travel plans using a travel agent computer system, because it is well know to use travel agent services to plan a vacation.

Also, Sharood et al. teach:

**As per claims 7, 13 and 20**, said method and system, further comprising sending a message to the home automation system over the Internet (column 3, lines 58 – column 4, line 60).

**As per claims 8, 12, 19 and 26**, said method and system, further comprising identifying a home automation command in said home automation system, and setting a vacation mode (column 3, lines 58 – column 4, line 60).

**As per claims 25, 31 and 35**, Weinstein et al. teach said method and system, wherein the connecting method includes verification that the target system is in the address book (column 9, lines 35-45).

**As per claims 27-29, 32-33 and 36-37**, Nelson teach said method and system, further comprising: receiving, from a customer, a travel details request message, and responding to the customer with requested information via an email (column 2, lines 1-16).

**Claims 9, 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharood et al., Weinstein et al. and Nelson.**

**As per claims 9, 30 and 34**, Sharood et al. teach said method and system, wherein a firewall and secure LAN connection is provided (column 6, lines 12-30).

However, Sharood et al. do not specifically teach a secure transmission protocol.

Official notice is taken that use of a secure transmission protocol is well known.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Sharood et al., Weinstein et al. and Nelson to include that the message is transferred using a secure transmission protocol, because it would enhance the security of the system, thereby make it more attractive to the customers.

### ***Response to Arguments***

Applicant's arguments with respect to **claims 6-9, 11-13 and 18-20** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Application/Control Number: 09/704,573  
Art Unit: 3629

Page 6

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

**JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**